CHICAGO ILL JOURNAL

One Negro's Opportunity

The United States as the country of opcific example is always more effective than Magazine, is worth a whole volume of serput apartments at a premium. New - your age monizing.

It has been customary for quite a number of tenants to give

slaves of the Creek nation in the Indian to you is not to follow that course this summer. Territory. When they became freedmen by treaty in 1866, they were entitled to will not be able to supply the demand this fall. "an equal interest in the soil and national

In 1898, congress directed the Dawes obtain apartments like these this fall. 5 commission to make a list of all living was not yet born, and did not make an weather. appearance until 1963. But the enrollment order was extended by amendment to 1905, which made the two-year-old child a beneficiary.

Luther was duly enrolled under the amendment, and thus became entitled to a quarter-section of land for his very own. Correspondent Places Them in Class Unfortunately for him, the good agricultural land of the Creeks had all been pre- To the Editor The Washington empted, and nothing remained but rocky Herald: I beg space through the and barren tracts, supposedly worthless, say a few words in behalf of thou-Nevertheless, his father put in a claim, sands of "old residents" of this city, and 160 acres of land was deeded to the become a shining mark and easy prey

Now comes the dramatic climax of the tion's capital.

All Washington still remembers that story. When Oklahoma "struck oil," a few years ago there were companies show how well they appreciate their Luther's land came under the speculative tage of the clerks, and many others raise the rent, but give them orders ye of the operators, and was leased from of this city, by lending money at his guardian on a royalty basis. When the such a shamefully high interest that they won for themselves the well deboy was 11 years old, the first barrel of served title of "loan sharks." Knowing that these so-called "loan sharks." to call a halt on these rent boosters. As they go up on the rent it should since then have witnessed a complicated all bounds of reason. Congress stepped be taken as a great increase in the since then have witnessed a complicated all bounds of reason, Congress stepped be taken as a great increase in the series of legal battles over the ownership in and enacted a law which put them value of the property and the taxes Towson, Cafons ille, ovans and should be raised accordingly. Isn't of his rights, which are now fully secured But as bad as the loan sharks were that fair? to him by the final decision.

How many barrels have come from the city. And let us all rejoice in the friends of the white people with the despised quarter-section is not stated, but fact that there are statesmen in the very stamp of patriotism and love of the 15-year-old boy is now one of the rich. or seems to move upon the works of And it goes without saying that these book the seems to est negroes in the United States. He owns he rent gamblers here who seem to people have never been found wanting est negroes in the United States. He owns he rem gambles her is mossible when called upon to do their part in office and apartment buildings and farms for the poor people to live in a house defending the country, whether it be and automobiles, is the recipient of huge and at the same time have money on the battlefield, in the trenches or royalties, and has a plethoric bank ac-anough left to buy a loaf of this so-with their little moneys.

They answered, "Here a

Colored Tenants Warning Tellow who did not use a primer indicated advanced sulphation while the other battery was in excellent condi-

Reports from various parts of the south indicate that there will an unusually large influx of Colored people to Philadelphia and New York this spring and summer.

It has been stated by some of those who have been darefully inportunity affords a text upon which many vestigating conditions in the southland that the exodus of these a sermon has been preached. But the spe people will be as great if not greater than that of last year.

How will we house the people is the question of the day. All the abstract presentation, and the story the desirable apartments in New York are rented and the increase in of Luther Manuel, as related in Sinclair's the Colored population of from 25,000 to 50,000 this summer will

Luther is a negro whose forbears were their apartments up during the summer months. My frank advice

Don't give your apartment up. Hold on like grim death. We

To our tenants those in the Payton Apartments, 141st and 142d funds" with their former Indian masters. Streets, I hope you will heed this warning. You will not be able to

We are going to overcome the coal troubles of last year by put-Creek freedmen, and on this list Luther's ting in one hundred tons a month beginning May 1st, thus insuring parents were enrolled. Luther, however, our tenants warm comfortable rooms even during the severest

Yours for hearty co-operation.

RAPS RENT BOOSTERS.

with Money Sharks.

MAY 5, 1918

for the work

E. C. BROWN

President: Payton Apartments Corporation VASHINGTON D. C MILLION more than the former high price. Many of these people have been faithful tenants for ten, fifteen and twenty years, remaining with the same landlords or real estate agents, and today they must pay almost double the former rent. And in some cases, the wicked and ungrateful landlords have given the faithful colored tenants orders to "move out." They have ever refused to accept a higher rent offer

by the old faithful colored tenants. Shame! Shame on them! By forc ing the payment of unreasonable and unjustly high rents many of the real profiteers" in the naestate owners have become independently rich off the hard-earned money

they were nothing to be compared But a word more about the colored to the present "rent profiteers" in this people. Here are true and tried

House rent here at best is shame-first and second liberty loan call of "Opportunity" has indeed knocked at his fully high, and if the unjust land-the government, and rest assured that lord, and has not been denied an entrance, more on the former price, the District third call." Now, considering these Commissioners should take that asfacts to be true, ought not these paan increase in the value of their triotic friends be counted worthy of property and levy a higher tax onconsideration and protection by the

powers that be? With all of his love But the most shameful thing aboutof country there are some white inthis sudden jump in house rent lies irgrates who would rather favor a the fact that the colored people areknown German spy and enemy than,

LEGRO BARY SOLE HEIR

MUSKOGEE, Okla .- As a result of an agreement sanctioned by the County Court Isaac S. Mason, Jr., a negro baby eighteen months old, became sole heir to an estate valued at more than \$400,000, thus becoming probably the richest negro of his age in the United States.

He is the son of Etella Manuel Mason, who died recently. Creek freedman w e or the Treasury Department in Washington, accepted \$12,000 as his share of the estate. There

are no other direct heirs.

RT C SUN FABRUARY 28 COIS MORE HOMES FOR NEGROES.

Negroes will occupy the row story flats at 2057 to 2071 Madison avehue, comprising the block front on the ast side from 130th to 131st street, The property has been leased by Roger Foster to a client of J. B. Wood for erm at an aggregate rental of abou 50,000. The houses are now occupie white tenants.

DEVELOPMENT OF one at the new Wilson Park, a few blocks from the proposed new Mor-

1917 SHOWS BIG GAIN The estimated

and Developing On Foot.

Building Inspector office, a slumphomes now are in the course of conin building of \$5000,000 occurred struction.

Brooklyn and Patapsco to have been going on during th as have about half a dozen through the neighborhood of Brooklyn and vicinity. The greatest They answered, "Here am I" to the developments, however, are in the neighborhood of Govans and Tow-

> At Govans Mr. Harry O. Wilson, a local Negro banker of prominence, has developed two sub-divisions, one on Wilson avenue, in Govans, and

.It is estimated that Mr. Wilson has put at least \$75,000 into these new enterprises. On Wilson avenue Over \$150,000 Worth of Building six modern houses were built—latest improvements, electric lights, furnaces, gas and parkings for all of In a report given out by the them. At Wilson Park several

and Patapsco avenues.

Property - 1918

Negro Property In State Increases

PAY TAXES ON \$7,135,535 MORE THAN LAST YEAR

Show a Total Valuation of \$455,863 for the year. Nearly \$50,000,000

Negro property in the state of Georgia, an increase of \$3,046,361. which have been completed by W. H. Market value of dogs. \$39,219, an

crease of \$7,135, 528 over the returns Value of other property not before

the past year an additional three mil_A decrease of \$189,593.

been spent in automobiles by Negroes ver the returns of 1917. in Georgia in the past twelve months.

almost the same figure as jewelry owned by them, the difference being two

values are \$2,389,260.

In Lee county 2,400 Negroes pay been \$34,525,628.

property. Negro tax payers who return \$1,705 of taxable property.

Figures for all the Negro property are as follows:

Number of acres of improved land, 1,664,368, an increase of 57,922 acres over last year.

Value of improved land, \$13,979,380

an increase of \$781,196.

Market value of city or town prop erty, \$13,987,665, an increase of town property for the year of \$159,093.

Amount of money and debts of al kinds including notes, accounts, judg

ments and fi fas, of all sorts, \$701,-538, an increase of \$336,215.

ing freights, fixtures and fertilizers for sale is valued at \$267.969, an increase of \$27,555

Automobiles and motorcycles, \$946,-031, an increase of \$746,722 over the same kind of property held by Negroes in 1917.

Value of jewelry, watches, silver plate of all kind, \$41,263, an increase

Value of horses, mules, hogs, sheep

Tax returns for the year 1918 on all cattle and all other stock, \$10,116,625,

by Negroes, which amount is an in-an increase of \$632,170.

The report discloses the fact that the

Big Increase

One thousand kix hundred and has pyrimided itself nine times. Thelest effort.

38, an increase of \$336,215.

Merchandise of every kind, including the first area and fortilings.

Household and kitchen furniture MANY CREEK MINORS ATTAIN LEGAL AGE THIS YEAR.

RELIEVE WHITE GUARDIANS OF RESPONSIBILITES OF

SAFEGUARDING MANY NEGRO FORTUNES

groes-for practically all of the Creek

When the United States government be interesteing to see. Harrison, clerk in the office of Comp-increase of of \$8,045.

made the allottments of 160 acres Edith Durant, who is 18 on July troller General Wright, show a total Value of wagons, buggies, planta of land to members of the Five Civand gas producers in the famous of \$47, 423, 449 worth of property heldtion and mechanical tools, \$1,904,920, ilized Tribes, beginning about 1899 Glenn Pool in Tules county where the and continuing for several years, the first oil was struck in this country. enumerated, \$455,763, an increase of their pick of the land. This fact explains the reason that almost all guardians, will hand over next July tigures that the Negro who remained Market value of property on default of the rich Creek Freedmen are minfigures that the Negro who remained Market value of property on default of the first cleek Freedmen are min-on the farm has accumulated withiners for 1918, \$463,680, which shows ors, many of whom will not reach eighth of the production, \$100,000 in their majority for several years.

other cattle, while over \$700,000 has 47,423,449, an increase of \$7,135,528 THIRTY-FOUR MILLIOlthose who came later. And here is crease in royalty from a tenth to an where the youngsters won out for eighth. dogs owned by Negroes are valued at In Twenty-Eight Years Race Madthe rugged lands contained practically her guardians and money affairs. thousand dollars in favor of the jewel In the past thirty-seven yearhigh prices of the products, money four years' litigation—she has always

forty Negroes pay poll tax in Fulton increase in property holdings sine Minors were generally supposed in the finding that he owed her about county, while the returns in property 1890, when the first separation of thin those days of allotting to have \$52,000 because of bad investments digests of the state was made, hacome out second best and many is and management.

ers who tried to sell the 160 acres Creek minor who attains the legal poll tax and 438 whites. The prop- These figures are shown in the and rough land for a little ready cash, age this year—in September. Harry

Towns county has not a Negro property holdings of Negroes in the guardian to sell her far off quar- acres of bottom farm land, \$100,000 tax payer and Forsythe county has state for the years specified are take ter section in the county court for in cash and \$50,000 in notes and Gilmer county has six 885 \$ 8,153,3 used for farming, they thought. But and Gas Company last year by a 1890 12,322,0 only a year or two later the oil dis-bonus of \$90,000 and an increase in 12.941.2 coveries in that section began and royalty to an eight. 1895 12,341.5 Sarah's land proved to be one of the Sallie has been married for three 1900 14,118.7 best produc ers. Her income now years to Curtis Reed, a Muskogee 1910 32.233,9 month, making her allottment worth years. Sallie's allowance is only 1911 34,022,3 close to a million besides the cast \$150.00 a month now, but specials

1912 34,703,4 when she becomes of age. 1913 34,740.8 During the present year the first that mark. Every once in a while 38,603,3few of these rick Creek minors will an additional amount is allowed by 38,821. attain their maority and will have the county court for trips to the county court for tr

1917 40,287, from the guardians and the county that she can't stand the extremes court. Just what this unlimited pow- of heat and cold in this country. er over large sums will do for these But the court will have nothing to almost uneducated, unbalanced Ne-

minors are full blood Negroes-will

cash, \$50,000 in notes and mortgages Those who had first choice of lands and the title to a number of farms rich bottom farming land, leaving oil lease was extended last May upon the rough mountainous country for the payment of \$90,000 and the in-

all of the oil and gas wells and with When her case had been transferred the opening up of these wells and the to Muskogee county in 1911 after property owned by Negroes in Georgiflowed in to them without the slight- of her guardian, Tate Barnett, inlived near Boynton—the final report volved another legal battle, ending

the father or guardian of these min- Sallie Hodge now Lee is another erty returned by the former for this nual report of Controller General Wigaid in most cases failed. One ex-Smith, a local real estate man, has year is \$481,423, and by the latter liam Wright, from which the followir Bertha Rector, now 14 years of age, over to her and her husband next interesting figures giving the total about 1909 tried her best through September the oil allotment, 600

> she is piling up for her possession for motor cars, trips and other incidentals bring the figure far above

say about these expenditures or any of her others in a few months and it won't be long before all of these Creek minors come of age and show the community how to take care of their own swollen fortunes.

The Democrat. PROPERTY IN THE CITY

It comes from the Appeal Tax Court that the greatest advance in property values in this city are in the neighborhoods occupied by our

Chief Judge Trippe is reported as saying that "there are few better real estate investments in the city today than the houses along Druid Hill avenue." While thas is true the property "on the most fashionable part of Eutaw Place is decidedly on the decline," due "to the encroachments made by Negroes and foreigners in that vicinity of Druid Hill Park, not so much on Eutaw Place itself as on the streets around it." It is a well known fact that all good property in neighborhoods occupied by our people is a good investment, and this has been true for years even before colored people began to occupy houses along Druid Hill avenue, McCulloh street an dthe streets around them. The colored tenant has always willingly paid larger rent than the white tenant for a suitable house well located. And this is so because the real estate men know the desire and eagerness of the colored tenant to improve his home conditions and surroundings, and do not fail to ask him more when they have what he wants, and the colored tenant shut up as he has been in certain localities, seizes eagerly every opportunity to improve his situation even at a greater cost than others. Again well located property n a colored neighborhood is a good nvestment because such property is ios so available to colored tenants. The rush for Druid Hill avenue, Mc-Culloh and such streets by the prosperous aspiring colored people is somewhat due to the fact that but few new sections with modern homes have been opened to or for them. While many such are open to and for the whites with smaller and more convenient houses. Again many of the white families who built, owned or occupied the large homes on Druid Hill avenue and like streets now occupied by colored people, are finding homes more convenient in every way-the up keep of which is smaller in new and suburban sections. Again it is the demand for good homes in colored neigborhoods and lack of supply that gives increased valuation to the property. While on the other hand-there are not so many white families as there used to be who are living in \$20,000 and \$30,000 homes. Such large establishments are not kept up in so large a number as formerly. The children of the parents who once occupied these palatial residences now live in apartment houses from preference or through force of circum-

their fine suburban homes. While the old family home is occupied—by a club-a foreigner and not infrequently by a colored man.

The decline of property values in ome of the most fashionable streets is not altogether due to the influr of foreign or colored population, but to the exodus of the former residents for reasons too numerous to mention. Men usually live where they want to and are able to meet the expense. There should be no quarrel with the man who chooses to live where he pleases if he is decent and demeans himself as he should, and he should have none with the neighbor who prefers to leave the neighborhood and live elsewhere. We are sure that the self respeting colored people are not seeking homes in white neighborhoods because they are white as such, but they are seeking the best homes they can get with the best environment for

HOW BETTER HOUSING WORKED IN BALTIMORE

(Special to THE NEW YORK AGE.)

BALTIMORE, MD.—When Mrs. A. L.

Horner, of this city inherited the old family homestead a w years ago it appeared more a liability than an asset. A colored section of the city covered what was once the farm; and nobody able to rent a big place would take it. Taxes threstened to eat it up. I is her story of how a depreciated pr

erty became paying investment.
"I believed, she sald, "that a la class of Nearoes will care for a g home, if the can get one. Also, t the kind of Negroes the South ne cannot be reared in the pig-stye broof houses we so often compel them live in. I believed it would pay, only in the health, character, efficie and happiness of the tenants, but in clars and cents for the landlord, to provide for them good houses at reasons. vide for them good houses at reasona rents. I start d out to prove all th and I've made good on every cour

The big house was cut into four apa ments, two on each floor, with two be rooms, a bathroom and a kitchen-living room apiece. Each room has two w dows, and gas is used for lighting.

"I made the kitchen as convenie and attractive as possible," she said. put in a kitchen dresser, porcelain si and dish-drainer, hot water supply, bui in coal box, good kitchen stove, and pi for gas stove, which most of them b for summer use. I put heating stoves the bedrooms, and I papered to suit !

"The upstairs apartments rent 4.00 per week. Those downstairs bri 3.50, because the stairway cuts off ittle from one room in each. My m folk collect my rent weekly; so I sa agents' fees, which must be borne mind when I speak of profits. But go there myself, and know every tena. know their troubles; and when the s sickness, or slack work, I wait for the rent. They always pay it later. I have hardly lost a dollar."

"And it pays—in money?"

"I clear ten per cent on my invest ment-clear it net, you understand. Ye rent three rooms and bath for les

than two poor rooms rent for all abound Property me. I have put \$11,000.00 into four ne Much Property houses on the vacant land. All th apartments are three-roomed; with for there is the temptation to sublet, which is bad, morally and physically. This la My tenants stay with me. They tal good care of the property. My roon are rarely empty, even for a few day

"The bathrooms hold them,—those ar the hot water. They do like to be clea Its not fair to house them in barns, ar pocket high rents, and salve our cor science with the notion that they're dir and shiftless. Go out and get acquainte with your tenants, I say, and give the a decent chance. It pays, in folks and money too; I've tried and proved it for myself."

stresses the fact that now is the time

INDIANAPOLIS, Ind., July 20.2 trend of market prices. Plans for the construction of a fortyfive apartment building at Northwest- the following: 10 acre farm house a ranch near Waco, Tex., and a farm dread of losing their homes—of being ern avenue and Chicago street to cost to Glen Perrymore of Philadelphia for in Wyandotte county. approximately \$75,000, the first flat of this size to be built in Indianapolis exclusively for Colored renters, has the account of Mrs. O'Brien; 514 Price SHANTIES MAR approximately \$75,000, the first flat of recently been announced by Oscar J. for the account of Mrs. Mary E. Kear Ensley. According to plans now be- ney; No. 1 Sixth street, to Z. G. Elli ing completed by McGuire and Shook, son of Hilton, Ga., for the account of architects, the flat will be a three- Arthur Durant; 442 Montgomery street, story brick with four store rooms fac- to E. Jones for the account of G. H. SEPTEMBER 3, 1918 ing Northwestern avenue. The rear Bowen; No. 11 Third street, to P. A. Titles of Negro Dwellings Special to The Christian Science Monitor part of the first floor will house eleven Jenkins of Brunswick, Ga., for the ac aparti. ints and each of the upper floors seventeen. The property has a frontage of 95 feet and a depth of 130 feet. The apartments will be of the boro, Ga., for the account of Mrs. Dai in-a-door-bed type. There will be a sy Pearson; six houses on Charles living room, dressing room, bath and street, to Mrs. B. Murray for the ac PALACES AND HOVELS ment of conditions among the colored kitchenette. Mr. Ensley expects the Fount of Dr. C. S. Donnell, and 517 apartment to be completed by the first Minis street, to Mrs. Mary Turner for of the year.

IN NORTH CAROLINA

Special to THE NEW YORK ALE.

Corsicana Sun: Charles Wood, colASHEVILLE, N. C.—Interesting figures ored, who lived in the Elm Flat coundevelopment of property outside the property of the con-OWN VALUABLE LAND

County are shown in the recentle com- \$150,000, died Saturday night and the pleted report of the auditor, E. M. Lyd-According to this report, the Negrof the various township and of ashe ville own real estate totalling 2,815 acres and valued at \$615,096, this valuation including \$546,392 in 1,213 town lots In addition the valuation of person.

totals \$60,412. Property owned by whit people is estimated at 14,803 town life valued at \$13,010,778; while the total valued at by the Civil war. The deceased was a law-abiding citizen and was so regardwhite lands outside of the city 1 ed by all who knew him. 633, for 315,601 acres. Personal p. p- "For a number of years erty is estimated at \$6,267,807. The deaths he cared for his old master and grand totals show real and personal mistress, who had been impoverished property owned by whites totalling \$25,- by tho Civil war." Could anything 840,218, as against \$675,508 for the col- have been said about Charles Wood, or ored ownership. could any mummery by a king, with

bility than those words imply? Nobility is not a thing of outward signifi-Purchased By Negroes cance; it is not in a foolish coat of arms, or written upon a parchment and signed by a royal hand. Rather, it is investment pays as well as the fire NEGROES WIDE AWAKE TO IM a genrous nature, a heart lighted with sympathy and understanding, and that such nearts may and do often abide in black bosoms is proved once more in the case of Charles Woods, who was an such hearts may and do often abide in Makes Many Sales Past Few Weeks example of many.—Dallas News.

PORTANCE OF BUYING HOMES

count of J. H. Highsmith; 601 Oak

street, to Mr. Harrison of Waynes-

the account of C. H. Skipper.

his property was mainly land in this

"For a number of years before their

an accompaniment of ceremonies be-

(Charles Woods was well known Sales aggregating more than difteen among his own kind and his loss is thousand dollars have been made to keenly felt by us.

Negroes for home and investments in the past few days by G. H. Bowen, Legisland Company Compan the "real estate man." Mr. Bowen For. H. T. Kealing Owned Both City account it is that desirable lots all over and Farm Property.

stresses the fact that how is the big adto buy real estate, before the big advance in prices which he is sure is bound to come; and his wide experience probate Court yesterday. He left \$50, he of these titles never have been was filed in the Wyandotte County Probate Court yesterday. He left \$50, he of these titles never have been was filed in the Wyandotte County Probate Court yesterday. He left \$50, he of these titles never have been was filed in the Wyandotte County now remaining in eligible localities are held by Negro owners who are unwilling to sell, even though a huge price be 7 4/6 the front line for observation of the among his widow and children. The offered. property consists of residences in They are poor. In most instances they are lazy and not thrifty. They spend all Among the sales made by him are Philadelphia and Bordentown, N. J., they earn. But they have a chronic

in Dispute Since Civil War

STAND SIDE BY SIDE

remains were laid to rest on his farm Monday afternoon. The deceased was

The reason why is a curious story. between 75 and 80 years of age, and At the close of the civil war there was a great influx of Negroes into Washand Freestone counties. The deceased ington. The present fashionable northbegan the accumulation of property west section was then a barren waste for the most part, with scattered vegesoon after he was emancipated, and property held by Negroes it the county for a number of years before their table patches. Land on which palaces now stand was worth 2 or 3 cents a deaths he cared for his old master and square foot. mistress, who had been impoverished

It was a suitable area on which to settle the Negroes, for whose accommodation shantles-not a few of them preserved to this day-were built.

out benefit of clergy-the customary zens of the city that he never out a proomstick.

fore a palace throng, have conferred upon him a more genuine title to noand lawful wives, for the sake of a his alleged victims.

change. Later on, Congress made a law legiti-

matizing the original slave wives and children, and therefrom sprang a rather odd situation. For every broomstick husband who had deserted his first mate and married again found himself with two lawful wives and two sets of legitimate offspring.

It is easy to imagine what confusion this made in the titles to shanties and patches of land owned Quite commonly it happened that two sets of children claimed inheritance rights in a piece of property, and there seemed to be no way to settle the dis-

Thus the property could not be sold for lack of satisfactory title, and on this the "best" part of the city have con-

dispossessed and deprived of shelter. So long as they retain ownership of their shanties they are sure of a roof over their heads, and so they will not sell.

HOME OWNERSHIP BY NEGROES ADVOCATED

from its Southern Bureau

MOBILE, Ala.—A movement, having for its object the promotion of homeownership by Negroes, is being given wide publicity in this city. It is pointed out by many who have the betterpeople at heart, that now is an excellent time for them to buy or build homes, especially those who have heretofore been unable to make a start in In Washington these days great num- this direction. The Negroes were pers of people, hunting (ofttimes vainly) never so prosperous as at present, and through the city for a place to live, are many not only have splendid incomes astonished to see many desirable and from the high wages prevailing, but of development of property ownership try, near Kerens, and who was estiby whites and colored in Burcombe mated to have been worth at least
fashionable section occupied by erable savings accounts. This opporwretched, tumbledown Negro shanties tunity is one that has only recently Palaces and hovels often stand side by come to the average southern Negro, by reason of the former low wage THE POST OF THE

HEAVY FINE GIVEN **ALLEGED PROMOTER**

4 ACH 29, 1918

Otis W. Livingstone, alleged colored The black men brought their wives and children with them. In nearly all instances they had been married with method of uniting a couple under the was given a fine of \$200 and costs slave regime being that of jumping over and 30 days in the workhouse by Judge Budroe Friday on a charge of that many of the broomstick husbands tenses. The fine was suspended on eventually took unto themselves other condition that Livingston reimburse